

The Honorable Judge Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff
v.
PAIGE A. THOMPSON,
Defendant.

NO. CR19-159 RSL

GOVERNMENT'S MOTION TO SEAL
AND REDACT ADMITTED TRIAL
EXHIBITS

NOTING DATE: August 5, 2022

The United States of America, by and through Nicholas W. Brown, United States Attorney for the Western District of Washington, and Andrew C. Friedman, Jessica M. Manca, and Tania M. Culbertson, Assistant United States Attorneys for said District, hereby files this Motion to Seal and Redact Admitted Trial Exhibits.

I. BACKGROUND

Paige Thompson was convicted in this case of hacking into numerous companies' Amazon Web Services (AWS) environments and (1) stealing victim companies' data, and (2) using her access to victim companies' AWS environments to steal computing power to conduct cryptocurrency mining (that is, "cryptojacking"). As the evidence at trial showed, Thompson's conduct caused substantial losses to some of her victims. In the case of at least one victim, Capital One, Thompson's conduct caused losses amounting to hundreds of millions of dollars.

Pursuant to General Order No. 01-18 of this Court, following a jury verdict, the parties are required to file a set of admitted exhibits with the Court, through the Court's electronic filing system (CM/ECF). General Order No. 01-18 (W.D. Wash.) Although such exhibits generally are publicly available, "confidential exhibits admitted at trial may be filed under seal utilizing the Court's existing methods for filing documents under seal." *Id.* at ¶¶ 10-11.

The United States has identified for defense counsel a limited number of exhibits that it believes should be sealed in their entirety, or as to which a redacted version of the document should be publicly available and the unredacted original remain under seal. These exhibits should be sealed or redacted because they contain computer scripts that Thompson used to commit her crimes (which others could copy to attempt to hack into the same or new victims), or because they contain sensitive victim information.

Defense counsel have indicated that they will not agree to seal or redact any materials other than those specifically identified in Local Rules CrR 49.1(a) and 55(b), which indicate particular types of documents or information that "shall" be filed under seal or redacted. Therefore, the United States is filing this motion to ask that additional exhibits to be sealed in their entirety or replaced, on the public docket, by redacted versions of the exhibits.

II. REQUEST TO SEAL

Local Rule Cr 55(c) provides that "[i]f a party wishes to file under seal materials other than those enumerated in CrR55(b), a motion . . . must be made or filed before or at the same time the party files the sealed materials. The motion should set forth a specific statement of the applicable legal standard and the reasons for keeping a document under seal." LCr 55(c).

This Court has authority to seal documents if "(1) [sealing] serves a compelling interest: (2) there is a substantial probability that, in the absence of [sealing], this

1 compelling interest would be harmed; and (3) there are no alternatives to [sealing] that
 2 would adequately protect the public interest.” *United States v. Doe*, 870 F.3d 991, 998
 3 (9th Cir. 2017) (internal quotation marks and citation omitted); *see also United States v.*
 4 *Parson*, No. 15-CR-05262-DGE, 2022 U.S. Dist. LEXIS 32842 at *5 (W.D. Wash. Feb.
 5 24, 2022).

6 The exhibits that the United States seeks to seal or redact are identified in the two
 7 tables on pages 4-6. As indicated in the tables, the exhibits generally contain at least one
 8 of two types of information:

- 9 ■ scripts that Thompson used to commit her hacking. Public
 disclosure of these scripts could allow others to copy
 10 Thompson and hack into other vulnerable AWS clients,
 thereby likely causing them substantial losses.
- 12 ■ victim information, including
 - 13 ○ the names assigned to IAM roles created by the
 victims;
 - 14 ○ Amazon account numbers of victims; and
 - 15 ○ victims’ file directories or lists.

16 None of this information is public. Publishing it would make
 17 it easier for others to hack into, or otherwise defraud,
 companies that already have been victimized once by
 Thompson.

18 Significantly, throughout these proceedings, these categories generally have been
 19 subject to protective order and filed under seal. *See Docket No. 66*. In addition, courts
 20 consistently have held confidential business information to be among the types of
 21 information that may be entitled to protection from public disclosure under the
 22 “compelling interest” standard for sealing court records. *See, e.g., FTC v. Qualcomm*
 23 *Inc.*, No. 17-CV-00220-LHK, 2019 U.S. Dist. LEXIS 1289 at *14-15 (N.D. Cal. Jan. 3,
 24 2019) (stating that sealing was appropriate for information that, if published, would hurt a
 25 business’ competitive standing or divulge its confidential information).

1 Exhibits that the United States asks to be sealed (because they are entirely
 2 sensitive material, or because they contain so much sensitive material that redaction is
 3 impracticable) are:

<u>Exhibit(s)</u>	<u>Reason for Sealing</u>
204-205 & 252	Exhibits contain (1) malware scripts, and (2) victim's role name and file list. (Notably, shortly after Thompson's arrest, the United States asked that GitHub take this document down so that it would not be publicly available, and GitHub did so.)
608	Exhibit contains (1) malware scripts, and (2) victim role names.
640	Exhibit contains (1) malware scripts, (2) victim role names, and (3) victims' Amazon account numbers.
644-647	Exhibits contain (1) malware scripts and (2) victim role names.
670	Exhibit contains malware scripts.
674-677	Exhibits contain (1) malware scripts and (2) victim role names.
731	Exhibit contains a victim's role name and reveals the victim's cloud-computing server and file structure. (Notably, the relevant victim testified that making information in this exhibit public would make the victim more vulnerable to future attacks.)
803	Exhibit contains (1) malware scripts and (2) victim role names.
804	Exhibit contains victim role names.

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1 Exhibits that the United States asks to be redacted (and for which proposed
 2 redactions are attached as Appendix A) are:

<u>Exhibit(s)</u>	<u>Reason for Redactions</u>
455	Exhibit contains victim's Amazon account number. (The United States assumes that Thompson will not object to the redaction of this number to the last four digits. <i>See Local Rule CrR 49.1(a)(4).</i>)
461	Exhibit contains malware scripts.
506	Exhibit contains victim's date of birth, address, and phone number. (The United States assumes that Thompson will not object to the redaction of at least the victim's date of birth and address. <i>See Local Rule CrR 49.1(a)(1), (6).</i>)
643	Exhibit contains victim's role name and Amazon account number. (The United States assumes that Thompson will not object to the redaction of the victim's Amazon account number to the last four digits. <i>See Local Rule CrR 49.1(a)(4).</i>)
806-812	Exhibits contain malware scripts, victim role names, and victims' Amazon account numbers. (The United States assumes that Thompson will not object to the redaction of victims' Amazon account numbers to the last four digits. <i>See Local Rule CrR 49.1(a)(4).</i>)
901-904, 914-922	Exhibits contain bank account numbers and victims' Amazon account numbers. (The United States assumes that Thompson will not object to the redaction of these numbers to the last four digits. <i>See Local Rule CrR 49.1(a)(4).</i>)
956	Exhibit contains victim role names and Amazon account numbers.

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(The United States assumes that Thompson will not
object to the redaction of the victims' Amazon account
numbers to the last four digits. See Local Rule CrR
49.1(a)(4).)

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6 DATED this 28th day of July, 2022.

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9 Respectfully submitted,

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